MR. P. VISVANATHA AIYAR (*Ag. Secretary to Government*): No. It was not a formal enquiry that was made by the Dewan.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether, in view of the specific allegations made by such a large number of responsible representatives of the people, the Government will order an enquiry?

MR. P. VISVANATHA AIYAR (*Ag. Secretary to Government*): Government do not think it necessary. The Dewan went there and made the necessary enquiries informally. Government consider that no action is necessary; and the matter has been duly communicated to the representatives of the people.

Execution of a decree against Mr. Taylor, Band Director.

245 MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Will the Government be pleased to state whether they are aware —

(*a*) that one Mariamma Swariamma has, in O. S. No. 22 of 1092 in the Additional Munsiff's Court, Trivandrum, obtained a decree for damages for Rs. 400 against Mr. Taylor, Band Director, Nayar Brigade, for causing grievous hurt to the plaintiff by a fracture of a thigh bone;

(*b*) that the decree holder tried to realise the said decree amount by attachment of a portion of the judgment debtor's pay, by issuing a warrant against him and by attachment of the moveable property belonging to him;

(*c*) that the Commandant, Nayar Brigade, wrote a letter on the 1st Karkatakam 1100 to the Dewan that the judgment debtor's pay was not attachable and copy thereof was forwarded to the Munsiff;

(*d*) whether the Munsiff wrote on the 17th Karkatakam 1100 to the Commandant that Mr. Taylor had put in a petition consenting to the attachment of his pay;

(*e*) whether the Government called for the remarks of the High Court and the High Court on the 11th Chingom 1101 called for the explanation of the Munsiff;

(*f*) whether, on the 6th Meenam 1105 and the 21st Makaram 1106, the Commandant, Nayar Brigade, wrote to the Munsiff that no warrant would be allowed to be executed against Mr. Taylor;

(*g*) that, when steps were taken for the attachment of Mr. Taylor's moveables, Mr. Taylor did not permit the *Amin* to effect the attachment;

(*h*) that the Munsiff wrote to the Commandant also regarding the same and that the latter refused help in the matter;

(*i*) that the Munsiff on the 20th Meenam 1103 wrote to the Registrar, High Court, placing the whole matter before the High Court and seeking advice as to the further procedure;

(*j*) whether the High Court has taken any action on the above letter of the Munsiff;

(*k*) whether the Commandant wrote to the plaintiff on the 10th July 1931 in reply to her notice that neither the person, property nor the pay of Mr. Taylor could be proceeded against;

(*l*) whether the Commandant addressed the Government also regarding the same;

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[Mr. N. K. Krishna Pillai.]

(*m*) whether the Government also received a suit notice sent on the 3rd July 1931 by the party;

(*n*) whether the Government have issued any order or circular discouraging the continuance in office of judgment debtors who do not discharge their decree debts, and, if so, whether that rule will apply to Mr. Taylor also; and

(*o*) whether the Government propose to take any action in the matter, and, if so, what?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes.

(*e*) Government called for the remarks of the High Court, and the High Court called for the circumstances under which the attachment was made.

(*f*) Yes.

(*g*) Yes.

(*h*) Yes.

(*i*) Yes. But the Munsiff's letter is dated 12-1-1101.

(*j*) The High Court forwarded the letter of the Munsiff to Government and informed that the High Court could not interfere departmentally.

(*k*) Yes.

(*l*) Yes.

(*m*) Yes.

(*n*) The following rules has been passed by Government:—

"Every public servant,

(i) who is declared an insolvent; or

(ii) a moiety of whose salary is being constantly attached; or

(iii) a moiety of whose salary has been continuously under attachment for a period exceeding two years; or

(iv) a moiety of whose salary has been attached for a sum which cannot by that process be paid up within a period of two years,

is liable to removal from the public service, provided, however, that such removal will not ordinarily result in the forfeiture of the pension which the person concerned would then be entitled to under the rules.

Exception. No public servant shall, however, be liable to removal from service whose insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have prevented or over which he had no control, or which has not proceeded from extravagant or dissipated habits. The burden of proving such special circumstances shall always be upon the public servant concerned."

But, this rule is not applicable to Mr. Taylor's case.

(*o*) Government have ordered that Mr. Taylor should pay his debt at once. The Commandant has since reported that Mr. Taylor has discharged the debt accordingly.

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